

**REMARKS**

Claims 1-14 are pending in this application. By this Amendment, claims 1, 13 and 14 are amended. Reconsideration of the application is respectfully requested.

Applicants thank the Examiner for the indication that claim 3 contains allowable subject matter.

The Office Action rejects claims 1, 2, 13 and 14 under 35 U.S.C. §102(b) over Birgmeir (U.S. Patent No. 5,216,521); rejects claims 4 and 6 under 35 U.S.C. §103(a) over Birgmeir in view of Tamura (U.S. Patent No. 6,040,860); and rejects claim 5 under 35 U.S.C. §103(a) over Birgmeir in view of Terashita (U.S. Patent No. 4,641,959). The rejections are respectfully traversed.

None of the applied references, alone or in combination, disclose, teach or suggest an image correction apparatus, a recording medium or a data signal that include an average value calculation unit that calculates average values of color component values of pixels corresponding to individual color components in an image data, and a correction unit that corrects the color component values of individual pixels to match the average values of the color component values of pixels corresponding to individual color components with at least one specific reference value, as recited in independent claim 1, and similarly recited in independent claims 13 and 14.

Birgmeir teaches scanning a colored photographic original at a multiplicity of points in each of the primary colors red, green and blue to generate a set of image signals for each primary color (Abstract). Moreover, Birgmeir arguably teaches an averaging unit 19 (Fig. 2) that produces three average signals or values corresponding to the three primary colors red, green and blue using a small portion of the total radiation traveling towards the charge coupled device 17 (Fig. 2; col. 7, lines 7-21). However, Birgmeir does not disclose an average value calculation unit that calculates average values of color component values of pixels

corresponding to individual color components in an image data, as recited in independent claims 1, 13 and 14.

Moreover, Birgmeir arguably teaches a correcting unit 21 (Fig. 2) in which the scattering correction calculated for each primary color is applied to all of the image signals for the respective color, which is the respective image signal from each point of the original image 11 (Fig. 2; col. 7, lines 44-47). However, Birgmeir does not disclose a correction unit that corrects the color component values of individual pixels to match the average values of the color component values of pixels corresponding to individual color components with at least one specific reference value, as also recited in independent claims 1, 13 and 14. Finally, Birgmeir only teaches correction for a scattered light by generating output signals sent to the electronic image processing unit 2 (Fig. 1; col. 7, lines 51-53), and does not disclose, teach or suggest an apparatus that is capable of effectively correcting, for example, a color fogged image.

At least for the reasons above, Birgmeir fails to disclose or suggest each and every feature of independent claims 1, 13 and 14. Accordingly, independent claims 1, 13 and 14, and their dependent claims, are patentable over Birgmeir.

Tamura teaches a gradation compensation circuit for gradation compensating the luminance level of an image signal (Abstract).

Terashita teaches measuring LATDs photometrically for three primary colors of a color original picture in order to control the amount of transmitting light at a given level (Abstract).

Neither Tamura nor Terashita cure the deficiencies of Birgmeir set forth above. Accordingly, claims 1, 2, 4-6, 13 and 14 are patentable over the applied references. As such, withdrawal of the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6, 13 and 14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



Mario A. Costantino  
Registration No. 33,565

Tarik M. Nabi  
Registration No. 55,478

MAC:TMN/al

Attachment:

Petition for Extension of Time

Date: January 18, 2005

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--